

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Sang Hyun HAN

Serial No. 09/725,473

Confirm. No.: 1714

Filed: November 30, 2000

For: METHOD AND APPARATUS FOR TRANSMITTING AND RECEIVING A MESSAGE USING CALLER ID

EXPEDITED PROCEDURE
UNDER 37 C.F.R. §1.16

Corres. and Mail

BOX AF

10/22/02

Group Art Unit: 2643

Examiner: Barry W. TAYLOR

BOX AF
ASSISTANT COMMISSIONER FOR PATENTS
Washington, D. C. 20231

Dear Sir:

Transmitted herewith is an Amendment and/or Reply in the above identified application.

No additional fee is required.
 Also attached:

The fee has been calculated as shown below:

	NO. OF CLAIMS	HIGHEST PREVIOUSLY PAID FOR	EXTRA CLAIMS	RATE	FEE
Total Claims	34	34	0	x \$18 =	0.00
Independent Claims	7	7	0	x \$84 =	0.00
If multiple claims newly presented, add \$280.00					
Fee for extension of time					
TOTAL FEE DUE					0.00

Please charge my Deposit Account No. 16-0607 in the amount of \$. An additional copy of this transmittal sheet is submitted herewith.

A check in the amount of \$ _____ (Check # _____) is attached.

The Commissioner is hereby authorized to charge payment of any fees associated with this communication or credit any overpayment, to Deposit Account No. 16-0607, including any filing fees under 37 C.F.R. 1.16 for presentation of extra claims and any patent application processing fees under 37 C.F.R. 1.17.

Respectfully submitted,
FLESHNER & KIM, LLP

Daniel Y.J. Kim
Registration No. 36,186
Anthony H. Nourse
Registration No. 46,121

Docket No.: HI-021

PATENT



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : EXPEDITED PROCEDURE
Sang Hyun HAN : UNDER 37 C.F.R. §1.116
Serial No. 09/725,473 :
Confirm. No.: 1714 : Group Art Unit: 2643
Filed: November 30, 2000 :
For: METHOD AND APPARATUS FOR TRANSMITTING AND RECEIVING
A MESSAGE USING CALLER ID :
Examiner: Taylor, B.
:

REPLY AND/OR AMENDMENT
UNDER 37 C.F.R. §1.116

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Technology Center 2600

BOX AF
Assistant Commissioner for Patents
Washington, D. C. 20231

Sir:

In reply to the Final Office Action dated July 26, 2002, the following remarks are provided for your consideration. Claims 1-11 and 13-35 are pending this application. Reconsideration and withdrawal of the rejections are respectfully requested in view of the following remarks.

Claims 33 and 34 stand rejected under 35 U.S.C. § 102(b) over Bagchi et al. (U.S. Patent No. 5,737,400) (hereinafter Bagchi). This rejection is respectfully traversed.

Bagchi fails to teach or suggest all of the claimed features, as required by Section 102. For example, Bagchi fails to teach or suggest wherein the caller ID data comprises an identification of the information service provider and a text message from the information

service provider, as recited in claim 33. Moreover, Applicant notes that the Patent Office does not even assert that Bagchi discloses this feature.

Bagchi relates to a system and method for allowing a host system to establish a telephone connection with subscriber premises equipment for data communication applications. See column 4, lines 54-67. Bagchi teaches that caller ID can be used to filter host systems when a call is received. Specifically, the caller ID of the host system calling the premises equipment is first identified. If the caller ID does not match that of a number for a known utility company or other service provider, the call goes through normally to a telephone. If, however, the caller ID indicates that the incoming call is from such a utility company or other service provider, a microprocessor 48 processes the incoming call according to the identity of the caller. See column 8, lines 16-20, 26-30 and 65-67; column 9, lines 1-17. A call is then connected between a premises equipment and the service provider. Any information that is exchanged at this point is, by definition, not part of the caller ID message or caller ID data.

Bagchi thus fails to disclose that caller ID data comprises an identification of the information service provider and a text message from the information service provider. Consequently, it is respectfully requested that this rejection be withdrawn.

Claim 35 stands rejected under 35 U.S.C. § 103 (a) over Bagchi, in view of Garland et al. (U.S. Patent No. 5,999,526) (hereinafter Garland). This rejection is respectfully traversed.

Claim 35 depends in claim 33. Claim 33 is discussed above in conjunction with Bagchi. Garland fails to teach or suggest the features that are neither taught nor suggested by Bagchi. For example, Garland relates to and method for delivering data from an information provider using a public switched network. Garland, however, makes absolutely no reference to caller ID or caller ID data. Therefore, the combination of Bagchi and Garland fails to teach or suggest caller ID data that comprises an identification of the information service provider and a text message from the information service provider. Consequently, a prima facie case of obviousness cannot be made, and is respectfully requested that this rejection be withdrawn.

Claims 1-7, 10-14, 17, 18, and 20-31 stand rejected under 35 U.S.C. § 103(a) over Hassler et al. (U.S. Patent No. 5,751,795) (hereinafter Hassler), in view of Bagchi. This rejection is respectfully traversed.

The asserted combination of references fails to establish a prima facie case of obviousness, as required by Section 103. For example, the asserted combination of references fails to teach or suggest a cable/mobile communication company switching device configured to receive the information from a first communications device and provide access to a communication network for the first communications device, the cable/mobile communication company switching device having an embedded circuit for demodulating the information and transmitting the information and identification information of the first communications device as caller ID data, and a subscriber device configured to receive the

information and the identification information from the first communications device through the cable/mobile communication company switching device and the communication network as caller ID data when a ring signal is generated by the cable/mobile communication company switching device to the subscriber device, as recited in claim 1.

Moreover, the asserted combination of references fails to teach or suggest a communications circuit, coupled to receive and demodulate modulated message data and receive an identification signal from an input circuit and generate a caller ID message including the message data and the identification signal, and a receiving terminal, coupled to the communications circuit to receive the caller ID message including the demodulated message data and the identification signal when a ring signal is received from the communications circuit, as recited in claim 20.

As is known in the relevant art, the terms "caller ID data" and "caller ID message" have a specific meaning. Specifically, "caller ID data" indicates a data field of a caller ID message. Additionally, the caller ID message is a specific message type, that includes caller ID data, that is defined by the international standards. Consequently, the claimed feature of *transmitting the information and identification information of the first communications device as caller ID data*, as recited in claim 1, and *generating a caller ID message including the message data and the identification signal*, as recited in claim 20 means that both identification information as well as other non-identification information from the first communications device are formed as part of the caller ID message. The thusly formed caller ID message is transferred to a call

recipient when a ring signal is generated. Therefore, according to the preferred embodiment, when the ring signal is generated, the caller ID message having both types of information is transmitted to the subscriber.

Thus, for example, referring to page 18 of the specification, an advertisement service company can transmit an advertisement message along with the advertisement service company's identification (i.e. name and/or phone number) to a subscriber device. The subscriber, upon receiving the caller ID data, can identify both the contents of the advertisement message, as well as the advertisement service company ID.

The Patent Office first asserts that Hassler teaches an apparatus for transmitting and receiving a message using caller ID. As support for this, the Patent Office cites to column 3, lines 54-58 of Hassler .

This portion of Hassler, however, merely discloses that a display telephone 110-112 has a single-line or multi-line display 130, which can be used to display the calling and/or called party's telephone number and/or name. There is, however, no teaching or suggestion that caller ID is used to transfer and receive messages using caller ID.

The Patent Office next asserts that Hassler teaches a cable/mobile communication company switching device configured to receive the information from the first device, the cable/mobile communication company switching device having an embedded circuit for demodulating the information and transmitting the information. The patent office cites item 100 from figures 1 and 2, as well as column 3, lines 54-67, column 4, lines 3-67, column 5,

lines 1-65, column 6 lines 1-59, and column 7 lines 17-19 to support this assertion. Applicant respectfully submits that these portions of Hassler are not relevant to the claimed invention. Each of the citations will thus be addressed *seriatim*.

First, with respect to column 3, lines 54-67, Hassler simply teaches a display telephone having a multi-line display 130. The multi-line display 130 can be used to display the calling and/or called party's telephone number and/or name. There is no teaching, however, of a cable/mobile communication company switching device having an embedded circuit for demodulating the information and transmitting the information and identification information of the first communications device as caller ID data. There is further no teaching of generating a caller ID message including the message data this and the identification signal.

Next, with respect to column 4, lines 3-67, Hassler first teaches a broadcast program 151 that includes a message table 200 (Figure 2). The message table 200 has a plurality of message entries. The message field is taught to include a user-defined message, as well as a message identifier and intended recipient of the message. See column 4, lines 5-11. However, there is no teaching of a cable/mobile communication company switching device having an embedded circuit for demodulating the information and transmitting the information and identification information of the first communications device as caller ID data or generating a caller ID message including the message data and the identification signal. Moreover, Hassler specifically teaches that the contents of the message are formed

into a non-call-associated telephone display message. See column 4, lines 62-63. Consequently, the Hassler message cannot be caller ID data.

Next, with respect to column 5, lines 1-65, Hassler reiterates that the non-call-associated message is not part of a set up of a call or part of an ongoing call that involves the receiving display telephone. Additionally, Hassler teaches that the message is independent of a call being initiated to the receiving display telephone. Hassler is thus emphatic that the message is not part of a call. See column 5, lines 6-12. Hassler next teaches that the processor 160 of the telephone switching system 100 causes the non-call-associated message to be transmitted to the receiving display telephone to be displayed on the display 130. Again, however, there is no teaching of the message being caller ID data. The remaining portion of column 5 relates to Figure 4. Figure 4 illustrates an alternative implementation of the invention that removes a problem concerning the maximum length of the message. Again, however, there is no teaching of a cable/mobile communication company switching device having an embedded circuit for demodulating the information and transmitting the information and identification information of the first communications device as caller ID data or generating a caller ID message including the message data and the identification signal.

Next, referring to column 6 lines 1-59, Hassler provides additional description concerning the embodiment of Figure 4. Again, however, the excerpt cited by the Patent Office contains no teaching of a cable/mobile communication company switching device

having an embedded circuit for demodulating the information and transmitting the information and identification information of the first communications device as caller ID data or of generating a caller ID message including the message data and the identification signal.

Finally, with respect to column 7 lines 17-19, Hassler teaches that "various changes and modifications to the illustrative embodiments described above will be apparent to those skilled in the art." Applicant respectfully submits that this catchall language fails to teach or suggest the severe modification to the teaching of Hassler, such that a non-call-message could be understood to be a caller ID data, which is necessarily part of a call.

Consequently, Applicant respectfully submits that the portions of Hassler cited by the Patent Office fail to teach or suggest the claimed features.

The Patent Office next asserts that Hassler teaches a subscriber device configured to receive the information from the first communications device through the cable/mobile communication company switching device and the communication network, the subscriber device having a display unit and an embedded circuit to demodulating and identify a sender of the information. To support this assertion, the Patent Office cites to the identical portions of Hassler as were used to support the previous assertion. Because these portions of Hassler are fully discussed above, further discussion will be omitted.

Applicant submits that the previous discussion makes clear that Hassler fails to teach or suggest a subscriber device configured to receive the information and the identification

information network . . . as caller ID data when a ring signal is generated by the cable/mobile communication company switching device to the subscriber device. Specifically, Hassler emphasizes that no ring signal is generated to transfer the message, because the message is a non-call-associated message. Moreover, there is no teaching or suggestion that the message is sent as caller ID data when a ring signal is generated.

For at least these reasons, it is respectfully submitted that Hassler fails to teach or suggest all of the claimed features. Moreover, Bagchi, either alone or in combination with Hassler, fails to teach or suggest all of the claimed features.

As discussed above, Bagchi relates to a system and method for allowing a host system to establish a telephone connection with subscriber premises equipment for data communication applications. Bagchi teaches that caller ID can be used to filter host systems when a call is received. Specifically, the caller ID of an incoming call is first analyzed. If the caller ID of the incoming call does not correspond to a number for a non utility company or other service provider, the call goes through normally to a receiving telephone. If, however, the caller ID indicates that the incoming call is from such a utility company or other service provider, a microprocessor processes the incoming call according to the identity of the caller. See column 8, lines 16-20, 26-30 and 65-67; column 9, lines 1-17. The caller ID thus indicates only an identity of the caller.

There is no teaching or suggestion in Bagchi regarding generating a caller ID message including the message data and the identification signal, or transmitting the information and

identification information of the first communications device as caller ID data. Additionally, there is no teaching or suggestion of receiving the thusly generated caller ID message including the demodulated message data and the identification signal when a ring signal is received or receiving information and the identification information from the first communications device ... as caller ID data when a ring signal is generated.

Accordingly, it is respectfully submitted that the asserted combination of references fails to teach or suggest all of the claimed features, as required by Section 103.

Furthermore, for at least the reasons discussed above, the asserted combination of references further fails to teach or suggest a method for transmitting and receiving a message using a caller ID, including, inter alia, transmitting a ring signal and modulated information of the at least one message recipient, the message, and the message provider information, wherein the message and message provider information are transmitted as caller ID data, as recited in claim 6.

Moreover, for at least the reasons discussed above, the asserted combination of references further fails to teach or suggest a method for transmitting and receiving a message using a caller ID, including, inter alia, receiving a ring signal and a corresponding caller ID data including an advertisement message and caller information, and demodulating the received advertisement message and caller information, displaying the demodulated caller information on a display section, displaying the contents of the demodulated advertisement

message on the display section, and listing the displayed advertisement message contents to store the listed advertisement message contents in a memory, as recited in claim 13.

Additionally, for at least the reasons discussed above, the asserted combination of references fails to teach or suggest a method for transmitting and receiving a message using a caller ID, including providing advertisement service subscriber information and an advertisement message, modulating the advertisement service subscribers information and advertisement message and information on a sender of the advertisement message, transmitting a ring signal and a corresponding caller ID data including the advertisement message and sender information to service subscribers associated with the advertisement service subscriber information, receiving the ring signal and corresponding caller ID data containing the advertisement message and sender information by an advertisement service subscriber corresponding to the advertisement service subscribers information, and demodulating the received advertisement message and sender information, and displaying the demodulated calling party information and the contents of the demodulated advertisement message on a display, as recited in claim 18.

Finally, for at least the reasons discussed above, the asserted combination of references fails to teach or suggest a method for transmitting and receiving a message using a caller ID, including providing advertisement service subscriber information and an advertisement message, modulating the inputted advertisement service subscribers information and advertisement message, and information on a calling party, transmitting the

modulated advertisement service subscribers information, advertisement message and calling party information, receiving the transmitted advertisement service subscribers information, advertisement message and calling party information, and demodulating the advertisement message and calling party information of the received advertisement service subscribers information, advertisement message and calling party information, modulating the demodulated advertisement message and calling party information, and transmitting a ring signal and a corresponding caller ID data containing the modulated advertisement message and calling party information, receiving the transmitted ring signal and corresponding caller ID data containing the advertisement message and calling party information, and demodulating the received advertisement message and calling party information, and displaying the demodulated calling party information and the contents of the demodulated advertisement message on a display, as recited in claim 31.

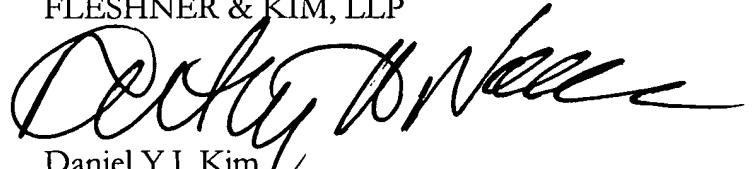
Consequently, it is respectfully submitted that a prima facie case of obviousness cannot be made. Claims 2-5 depend from claim 1, claims 7 and 10 depend from claim 6, claims 14 and 17 depend from claim 13, and claims 21-30 depend from claim 20. These claims are allowable for at least the same reasons as the corresponding independent claims. Because a prima facie case of obviousness has not been made, withdrawal of this rejection is respectfully requested.

CONCLUSION

In view of the foregoing amendments and remarks, it is respectfully submitted that the application is in condition for allowance. If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney, Anthony H. Nourse, at the telephone number listed below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,
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